IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA NORTHERN DIVISION

|) |
|--------------------------------|
|)) |
|) CIVIL ACTION NO. 04-829-BH C |
| |
| |
| |

NOTICE OF SETTLEMENT

The plaintiff hereby gives notice to this Court that the parties have reached a settlement of all issues in this civil action and have entered into a stipulation for settlement and dismissal with prejudice which said stipulation is attached as an exhibit hereto. The Court is requested to enter an appropriate order directing the Clerk of this Court to disburse the proceeds being held in this Court's Registry Account in accordance with the attached stipulation.

s/ John W. Kelly, III

John W. Kelly, III Attorney Bar No. KELJ8316 Attorney at Law 530 Tremont St. P. O. Box 303 Selma, AL 36702-0303 Telephone (334) 875-5770 Fax (334) 875-5772 E-mail jkel@bellsouth.net

OF COUNSEL: John W. Kelly, III Attorney at Law 530 Tremont Street P. O. Box 303 Selma, AL 36702-0303

CERTIFICATE OF SERVICE

I do hereby certify that I have this 16th day of February, 2005, electronically filed the foregoing Notice of Appearance with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Chad C. Marchand Attorney at Law P.O. Box 16046 Mobile, AL 36616 ccm@boronlatta.com

Robert J. Kaufman Kaufman, Miller & Silvertsen P.O. Box 500189 Atlanta, GA 31150-0189 rjk@kauflaw.net

Donald M. McLeod Attorney at Law P. O. Box 788 Camden, AL 36726 mcleod@pinebelt.net

s/ John W. Kelly, III

John W. Kelly, III Attorney Bar No. KELJ8316 Attorney at Law 530 Tremont St. P. O. Box 303 Selma, AL 36702-0303 Telephone (334) 875-5770 Fax (334) 875-5772 E-mail jkel@bellsouth.net